

**PLANNING AND ZONING COMMISSION  
STAFF REPORT**

**May 20, 2010**



**Rezoning RZ10-08: City of Bryan**

**CASE DESCRIPTION:** a proposal to change the zoning classification from a combination of Agricultural-Open District (A-O) and Commercial District (C-3), to a Residential District – 5000 (RD-5)

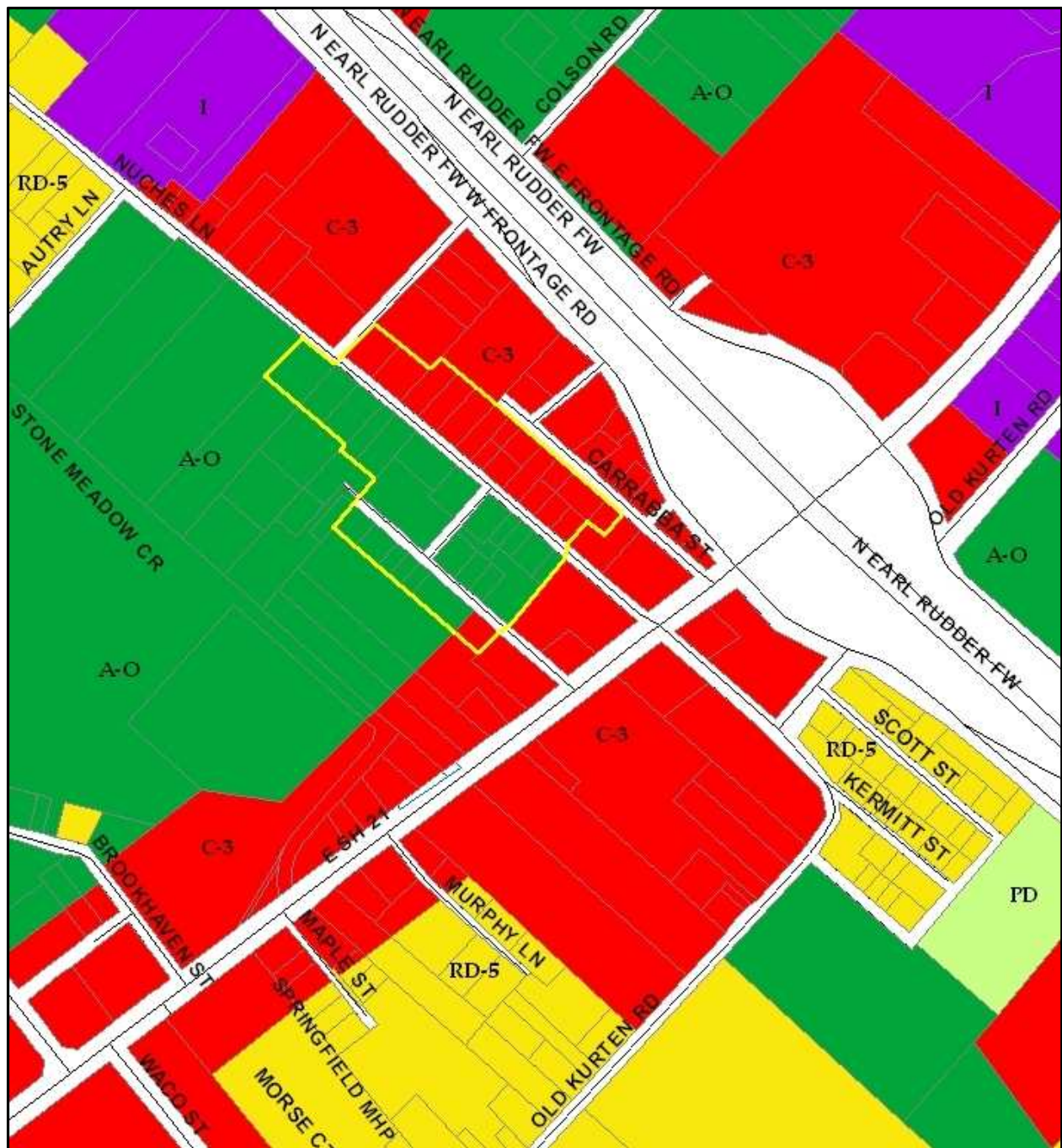
**SIZE AND LOCATION:** approximately 15.26 acres of land located generally north of East State Highway 21 between Colson Road and Carrabba and Bluebonnet Streets, including parts of Nuches Lane and Primrose Street, being certain lots in the Durwood Thompson, Shimen-Carrabba, Morille, and Nancy Whitlock Subdivisions as well as parts of the subdivision known as Coulter's Subdivision of the McGee Tract and land as-of-yet not represented on a subdivision plat in the Stephen F. Austin League, Abstract No. 10 in Bryan, Brazos County, Texas

**APPLICANT(S):** City of Bryan

**STAFF CONTACT:** Martin Zimmermann, Planning Administrator

**SUMMARY RECOMMENDATION:** Staff recommends **approving** this rezoning proposal.









## BACKGROUND:

The subject property is comprised of 42 separate parcels and located generally north of East State Highway 21 and south/southwest of State Highway 6 (North Earl Rudder Freeway) between Colson Road and Carrabba and Bluebonnet Streets, and includes parts of Nuches Lane and Primrose Street. This approximately 15.26-acre area has been zoned a combination of Agricultural-Open District (A-O) and Commercial District (C-3) since the adoption of zoning regulations in Bryan in 1989.

Earlier this year, City staff became aware of a discrepancy between existing land uses and current zoning designations in this 15+ acre area. Specifically, 39 of the 42 parcels in this area are currently occupied by single-family homes. While the use of land in A-O Districts is restricted primarily to single-family homes, the A-O classification generally requires lots to be at least one acre (43,560 square feet) in size. Permitted land uses in C-3 Districts include for example, wholesale trade, retail sales, warehousing development, repair and service establishments, or heavy and bulk equipment supply dealers. These are very intensive commercial activities and, thereby, are less compatible with nearby residences. Any vacant lots in the C-3 zoned part of this area could currently legally be occupied by one of these and other commercial uses.

In addition, most of the home sites in this 15-acre area appear to be between 5,000 square feet and 10,000 square feet in size, significantly less than the 43,560 square feet or 20,000 square feet minimum lot size requirements in A-O and C-3 Districts, respectively. Most of the lot configurations first appeared on subdivision plats from the mid-1930s to the mid-1940s. A-O Districts require minimum building setbacks of 50-foot from front and 20-foot from side and rear property lines. These development standards for A-O Districts make further development or redevelopment on the A-O zoned properties within this area, some of which are perhaps only a little more than 5,000 square feet in size, very difficult, if not impossible. For example, when applied to a 5,000 square foot lot, the setback standards in A-O Districts reduce the buildable area to 300 square feet, compared to about 2,360 square feet if the lot were assigned a residential zoning classification.

City staff proposes that the Planning and Zoning Commission consider changing the zoning of all lots within this area to Residential District – 5000 (RD-5) in order to

- help protect the investment area homeowners have made in their properties by
  - avoiding the emergence of incompatible commercial use in what has remained essentially a residential area; and
  - facilitating future improvements to existing single-family home sites in this area; and
- accurately reflect the existing single-family residential land use that already occupies most of the properties in this area.

The RD-5 zoning classification is intended to provide opportunities for development of detached dwellings on lots of at least 5,000 square feet in size.

Staff notified all property owners within this 15-acre area as well as all owners of property located within 200 feet of this rezoning proposal and invited them to the Planning and Zoning Commission's public hearing on the matter on May 20, 2010. At the time this staff report is being written, no property owner has submitted written comments either for or against this rezoning proposal.

#### **RELATION TO BRYAN'S COMPREHENSIVE PLAN:**

The City of Bryan adopted a new Comprehensive Plan in January 2007. The plan includes policy recommendations related to the various physical development aspects of the community. The Comprehensive Plan states that it is a goal of the City to achieve a balance of land uses within the City by achieving a sustainable mix of land use types in suitable locations, densities and patterns. City-wide land use policies articulated in the Comprehensive Plan suggests that commercial uses are appropriate at points of high visibility along non-residential arterial and major collector streets and at intersection of major streets. The Comprehensive Plan also suggest that residential land uses should be located in areas that are: (1.) protected from but accessible to major roadway network, commercial establishments, work places and entertainment areas; (2.) accessible to collector and arterial streets, but directly accesses local streets; and (3.) not adjacent to major arterials or freeways with out adequate buffering and access management.

## ANALYSIS:

In making its recommendation regarding a proposed zoning change, the Planning and Zoning Commission shall consider the following factors.

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned; relationship to general area and the City as a whole.

**Staff believes that RD-5 zoning is appropriate for the subject property in this particular environment. The subject property is located at the transitional edge or periphery of the commercial cluster that has emerged at the Highway 21/Highway 6 intersection. While it is true that these 15+ acres are located in close proximity to the intersection of these two highways, where commercial activity is generally appropriate and desirable, these 42 parcels are not located directly at that intersection and are predominantly (92%) already developed with single-family homes.**

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area and shall note the findings.

**As mentioned above, 39 of the 42 parcels in this area are already developed with occupied single-family homes. By changing the zoning of these 15+ acres to RD-5 District, staff does not anticipate any significant increases demands on public infrastructure than already exist here today.**

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

**The closest vacant land zoned for residential development is located a few hundred feet northwest from the subject property along Nuches Lane. Staff believes that this zone change proposal, if approved, will not make land classified for similar development in the vicinity and elsewhere in the City unavailable for development.**

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change.

**Staff contends that residential developments are developing at a moderate pace in this vicinity and elsewhere in the City.**

5. How other areas designated for similar development will be, or are unlikely to be affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

**If the proposed zone change was approved, staff believes there to be few, if any, effects on other areas designated for similar developments.**

6. Any other factors affecting health, safety, morals, or general welfare.

**Staff believes that RD-5 zoning at this location will have no adverse effects on health, safety, morals, or general welfare.**

## RECOMMENDATION:

Staff recommends **approving** this proposal for RD-5 zoning on these 15.26 acres of land.